

APPROVED

## **ZONING BOARD OF APPEALS MEETING**

**CITY HALL AUDITORIUM, 62 FRIEND STREET**

**JANUARY 28, 2016**

**Meeting started at 7:05 PM**

**Present: Bill Lavoie, Matt Vincent, Bob Orem, Donna Collins, Matt Sherrill, Sharon McDermot, David Haraske.**

**Absent: None.**

**Also Present: Sue Yeames, recording Secretary; D. Nadeau, compliance officer.**

**Transcription by Paul Bibaud.**

**MINUTES: Oct. 22, 2015: Motion to approve made by Sharon McDermot and seconded by Bob Orem. AIF.**

**Dec. 3, 2015: Motion to approve was made by Matt Vincent and seconded by Bob Orem. A few names were incorrectly attributed in a few spots. With the amended version, the board voted to approve minutes as changed, vote was AIF.**

**Dec. 10, 2015: No changes needed on Dec. 10 minutes –vote to approve - AIF.**

### **PUBLIC HEARINGS:**

**3 Chapman Way – Special Permit/ Finding Application under Amesbury Zoning Bylaws, Section XI, paragraph K-2 In-Law Apartment, to create a bedroom, bath and small kitchen using 384 sq. ft. of existing first floor of a pre-existing, non-conforming structure.**

**Applicant: Craig M. Martin.**

**Sitting on this hearing will be Bob Orem, Donna Collins, Matt Sherrill, Sharon McDermot, and Matt Vincent.**

**Craig Martin:** We're here to request a variance for 3 Chapman Way for an in-law apartment. My parents are getting on in age and find it difficult to impossible to maintain their current home, so they sold their home. I've had a life change where I am a single parent now and I travel quite a bit. So having them locally in the house would be extremely helpful. That's what I'm looking for is a Special Permit.

**Sharon McDermot:** So Craig, you'll have a common unlocked door between the two units?

**Craig Martin:** Yes. There are two actually, and they should be shown on the drawing.

**Matt Sherrill:** So it appeared to me that you actually have to, in order to get to the shared living room, you have to walk into the other part of the house in order to be able to get there, or is there a big opening where those dashes are?

**Craig Martin:** From my portion of the house, it is simply him walking into a hall which is open to the living room.

**David Haraske:** I think the confusion comes from, is this a wall or just denoting a partial wall, or is it open?

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**Craig Martin:** This part is open, and that is a shared space.

**Bob Orem:** I don't see it here on the drawings, but I assume there is adequate parking space on the property?

**Craig Martin:** Yes. We're going to repair the driveway and, while we're at it, we're going to put pull-offs to the right. It's a large driveway.

**Matt Sherrill:** Any other questions from the board?

**Motion to vote and discuss was made by Sharon McDermot and seconded by Denis Nadeau.**

**Matt Sherrill:** Does this currently exist in the table of uses? Yes.

Is this essential to the public convenience or welfare? Yes.

This will not create any undue traffic or impeded any pedestrian safety? No, will not.

Will this overload any public systems? Will not.

Special Conditions under Section XI, have they been satisfied?? Yes, K-2.

**Section XI, K-2 was read into the record by Sharon McDermot:** 1. The special permit will be issued for a period of five years and will be renewable upon request providing the applicant continues to meet the requirement of the special permit. The special permit shall expire if the conditions of approval are not maintained, or the in-law apartment ceases to be occupied as provided herein.

2. Where new kitchen appliances have been added, they shall be removed when six months of the expiration of the special permit and the building inspector shall report such removal to the ZBA.

3. There shall not be separately metered electric or water service to the in-law apartment.

4. All safety, health and building codes are to be met.

5. There shall be no borders or lodgers within either unit of the dwelling, with an accessory in-law apartment.

6. There should be parking for one additional car for the in-law apartment.

7. If the in-law apartment becomes vacant, the owner must report the vacancy to the building inspector within 60 days, and the owner will be given 6 months to remove all the kitchen appliances.

Those are the conditions of an in-law apartment. Those have all been satisfied.

**Denis Nadeau:** Just to explain what will happen: You will receive a notice from the building department that the 5 year period is up, you have to set up an appt. to have us go in and re-inspect the place, and then you'll get another certificate for another 5 years.

**Sharon McDermot read this into the records, from Page 6 under the definition:**

In-law apartment is: a separate dwelling unit located within a single family dwelling that is subordinate in size to the principle unit connected by an unlocked common door and separated from it in a manner that maintains the appearance of the building as a single family dwelling. The size of the in-law apartment is not to exceed 1000 sq. ft. or not more than 30% of the gross floor area of the principle unit, whichever is lesser. The in-law apartment may only be occupied by brothers, sisters, parents and grandparents, in-laws and/or children of the residing owners of the principle dwelling unit. In no case shall the apartment be smaller than the minimum required by health and building codes.

**Matt Sherrill:** So no more than 1000 sq. ft. The application states it will be 384 sq. ft.

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So it doesn't exceed the allowable sq. ft. for the in-law apt. so with the special conditions and no violation of the sq. ft. I think this passes ok.

It will not impair health, welfare, character of the district? It will not.

Will not create an excess of use in the neighborhood? No.

Are there any other questions or need for discussion by the board? Hearing none, I will entertain a motion to close and vote.

**Motion was made by Sharon McDermot to close and vote. Motion was seconded by David Haraske.**

**Matt Sherrill: Yes**

**Sharon McDermot: Yes.**

**Bob Orem: Yes.**

**Matt Vincent: Yes.**

**David Haraske: Yes.**

**Special Permit was approved.**

**28 Lake Attitash Road, Special Permit / Finding application under Amesbury Zoning Bylaw, Section IX, Paragraph B to raze and existing non-conforming structure on a non-conforming lot and construct a new residential structure which will also have non-conformities. Applicants: George and Kelly Norwood.**

**CONTINUED TO THE 3-24-16 MEETING.**

**The request to continue comes from applicant's attorney, Paul Gagliardi, asking the board to consider continuing until March 24 and understand that supplemental / revised information shall be submitted pursuant to the submission deadline of respective PGA and give my consent to be placed on the PGA's agenda accordingly, but I acknowledge that the deadline for the board to render a decision shall be extended for the period requested above, in addition to any previous extension requested for this hearing.**

**It is not necessary for the ZBA to vote on this.**

**Motion was made to close the meeting by Sharon McDermot. Vote was AIF.**